

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANGELA ADAMS,

Plaintiff,

v.

THE HOME DEPOT INC.,

Defendant.

Civil Action No. 23-4071 (KSH)(JSA)

ORDER

THIS MATTER having come before the Court on the report and recommendation (D.E. 44) of Magistrate Judge Allen, recommending the dismissal of this action for plaintiff Angela Adams's failure to prosecute, provide discovery, and comply with Court orders, pursuant to Fed. R. Civ. P. 16(f), 37, and 41(b); and

WHEREAS, the District Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge," 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3) ("The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions."); L. Civ. R. 72.1(c)(2) (district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge," and "may consider the record developed before the Magistrate Judge, making his or her own determination on the basis of that record."); and

WHEREAS, plaintiff was noticed directly that the Court was contemplating dismissal for failure to prosecute (D.E. 44, at 9 (directing service to be made to plaintiff herself)), *see Dunbar v. Triangle Lumber & Supply Co.*, 816 F.2d 126, 129 (3d Cir. 1987); and

WHEREAS, no party has filed objections to the report and recommendation, and the time for filing objections has passed; and

WHEREAS, this Court has reviewed the record and given “reasoned consideration” to the report and recommendation and the dispositive legal issues discussed therein, *see EEOC v. Long Branch*, 866 F.3d 93, 99-100 (3d Cir. 2017); and

WHEREAS, the record fully supports the report and recommendation’s conclusion that the *Poulis* factors, *see Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), support dismissal under the circumstances; the Court notes, in particular, that plaintiff was put on notice in multiple court orders and personally at a conference before Judge Allen that failure to prosecute her case would result in its dismissal; nonetheless, plaintiff failed to comply with discovery and court orders, resulting in no litigation on the merits for over year and no ability for defendant to prepare its defense; and

WHEREAS, neither the multiple extensions granted by Judge Allen nor the risk of losing her attorney (who ultimately withdrew) prompted plaintiff to engage, even when advised of the risk of dismissal, illustrating that lesser sanctions would not suffice,

NOW, THEREFORE, IT IS, on this 4th day of March, 2025,

ORDERED that the report and recommendation (D.E. 44) is ADOPTED; and it is further

ORDERED that this action is DISMISSED with prejudice; and it is further

ORDERED that the Clerk of Court shall mail a copy of this order to plaintiff at the address on file.

The Clerk of the Court is directed to close this case.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J